
Appeal Decision

Site visit made on 13 June 2017

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 June 2017

Appeal Ref: APP/A1530/W/17/3169298
56 Blackberry Road, Stanway CO3 ORZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dagdelen against the decision of Colchester Borough Council.
 - The application Ref 162509, dated 5 October 2016, was refused by notice dated 22 November 2016.
 - The development proposed is two storey extension to either end to create ground floor retail units (A1) and first floor self-contained flats (C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit was intended to be access required, but the appellant did not attend. However, I was able to see everything I needed to determine the appeal from public land.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site comprises a two storey building with commercial units on the ground floor and flats above in an area of hardstanding which provides off street parking around the building. It is within a residential area and there is a parking bay in front of the appeal building on Blackberry Road.
 5. Policy DP19 of the Colchester Local Development Framework Development Policies (2012) (DP) sets out parking standards referencing the Essex Planning Officers Association Vehicle Parking Standards. It requires one bed dwellings to be provided with one parking space and shops to be provided one parking space per 20 square metres of floor space. Furthermore, Policy DP19 states a lower standard may be acceptable or required where it can be clearly demonstrated there is a high level of access to services, such as a town centre location.
 6. I am told the proposal would result in a total of 550 square metres of retail space and seven one bed dwellings thus requiring 35 spaces. The appellant's
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statement states there are approximately 30 spaces laid out to the rear and side of the appeal building and six spaces to the front.

7. However, on my site visit, whilst I noticed some spaces marked out and vehicles are shown on the site plan there are no detailed car parking layout plans before me showing the current or proposed parking spaces. On the basis of the evidence before me I am not satisfied that the appeal site could safely accommodate 35 car parking spaces whilst also allowing for a safe circulation space if those spaces were all occupied.
8. I acknowledge the availability of on-street parking nearby but these spaces would also meet the demands of nearby residents. I also note that there are already cycle storage areas on site, there is a bus stop nearby and a railway station close by and these factors reduce the dependency on the private car. However, even if I were to accept the appellant could adequately control car ownership through parking permits the appeal site is not in a town centre location and it has not been demonstrated that there is a high level of access to local services such as schools, healthcare and leisure. Thus, I am not satisfied a reduced parking requirement could be applied.
9. Overall, I am not convinced that the number of parking spaces required could be safely accommodated within the site whilst also providing adequate circulation space for customers and servicing vehicles. Thus, the proposal would result in vehicles waiting to access spaces and manoeuvring in limited space. Furthermore, the narrowing of the space between the building and the side boundaries would reduce driver visibility and in the absence of any substantive evidence to the contrary, I find these factors would significantly increase the risk of vehicle and pedestrian collisions in the area, thus harming highway safety.
10. In reaching these conclusions, I acknowledge the benefits of the proposal in terms of providing local services, economic development and new homes. However, these matters do not outweigh the harm I have identified. Consequently the proposal is not sustainable development as set out in the National Planning Policy Framework.
11. I have also noted the appellant's parking patrol and enforcement system and the parking permit allocation for the existing occupants and the comments that parking permits would not be issued to the occupants of the proposed dwellings. However, there is nothing before me to ensure that such arrangements would remain in place and overall these factors do not negate the need to demonstrate clearly how the parking and highway safety requirements of the development plan would be met. I acknowledge that the Council has not produced any accident records relevant to the area, but this does not demonstrate the proposed development would be safe in highway terms.
12. For the reasons set out above I find the proposed development would be harmful to highway safety in the area. Thus it would be in conflict with Policies DP1 and DP19 of the DP and Policy UR2 of the Colchester Local Development Framework Core Strategy (2008) which aim to achieve good design and highway safety.

Conclusion

13. For the reasons given above and with regard to all other matters raised, I conclude that the proposed development would not accord with the development plan and thus the appeal should be dismissed.

L Fleming

INSPECTOR